

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO: 00-6309-CR-SEITZ

Plaintiff,

v.

DAVID BELL,

Defendant.

_____ /

MOTION FOR EARLY TERMINATION OF PROBATION

NOW COMES the Defendant, DAVID BELL, by and through his undersigned counsel, JEFFREY M. HARRIS, and respectfully prays unto this Honorable Court for an Order Granting Early Termination of Probation and as grounds therefore states the following:

1. On February 4, 2002, David Bell pled guilty to Count One of the Second Superseding Indictment charging him with Rico conspiracy in violation of 18 USC § 1962 (d).

2. On August 16, 2002, Mr. Bell was sentenced to thirty (30) months Federal prison with three (3) years supervised release, two hundred (200) hours community service, and one hundred (\$100.00) dollar assessment.

3. On November 8, 2002, Judge Seitz held a restitution hearing with the parties in agreement, the Court ordered restitution in the amount of \$475,000.00 joint and several with the Co-Defendants of which \$5,000.00 was immediately payable; an additional \$45,000.00 payable within six (6) months from the date of the hearing; commencing June 1, 2003, Mr. Bell would begin paying towards the outstanding restitution 10% of he and his wife's monthly combined net payroll. Although Mr. Bell had the opportunity to forestall the payment of the \$45,000.00 until June 1, 2003, he fully paid said sum on December 30, 2002.

4. On January 24, 2004, the Court ordered Mr. Bell's release after ten (10) months incarceration and modified the three (3) years supervised release by converting it to four (4)

years probation.

5. Mr. Bell, along with his co-defendants have now fully satisfied the \$475,000.00 restitution. Mr. Bell has also fully satisfied his community service hours and otherwise abided by all terms and conditions of his probation.

6. At the November 8, 2002, restitution hearing, the Court announced that it wanted to give Mr. Bell an incentive to pay his restitution and "demonstrate to society" that he is "a responsible adult and that you can count on (him)". The Court then stated that as an incentive the Court would entertain a Motion for Early Termination after two (2) years of probation. A copy of such declaration is attached hereto and made a part of this Motion.

7. Mr. Bell was placed on probation on January 24, 2004, and has exceeded the two (2) year period of probation and has otherwise fully satisfied all conditions of said probation.

WHEREFORE, the undersigned counsel respectfully prays unto this Honorable Court for an Order Terminating the Defendant's Probation.

I HEREBY CERTIFY that a copy of this Motion has been furnished to Brian McCormick, Esquire, United States Attorney's Office, 500 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida 33394, and to U.S. Probation, 299 East Broward Boulevard, Room 409, Fort Lauderdale, Florida 33301 this 9th day of March, 2007.

JEFFREY M. HARRIS, P.A.
Suite 925 - Wachovia Tower
One East Broward Boulevard
Fort Lauderdale, Florida 33301
Tel: (954) 522-7000
Fax: (954) 522-7008

Jeffrey M. Harris

JEFFREY M. HARRIS
FLA. BAR #195981